

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**Oakland Venue**

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**Petition for Summons for Person Under Supervision**

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**Person Under Supervision**

Joseph Vu Nguyen

**Docket Number**

0971 4:08CR00246-001 CW

**Name of Sentencing Judge:** The Honorable Claudia Wilken  
Senior United States District Judge

**Date of Original Sentence:** October 27, 2010

**Original Offense**

Count Ten: Interference with Commerce by Robbery and Extortion, 18 U.S.C. § 1951(a), a Class C felony.

Count Eleven: Using/Carrying/Brandishing a Firearm in Relation to a Crime of Violence, 18 U.S.C. § 924(c)(1)(A)(ii), a Class A felony.

Count Twelve: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1), a Class C felony.

**Original Sentence:** 60 months custody; five years supervised release

**Special Conditions:** Special assessment \$300; restitution \$70; provide access to any financial information; drug treatment; search; be employed within 90 days of release from custody or perform up to 20 hours of community service when not employed or enrolled in an educational or vocational program; gang restrictions; vocational and educational programing; firearms restrictions; DNA collection.

**Prior Form(s) 12:** On August 28, 2013, a Petition Modifying the Conditions of Supervision was filed. The Court added the special condition that Joseph Nguyen complete 30 hours of community service in response to violations including new criminal conduct of Reckless Driving, and failure to report and provide urine samples for testing as instructed.

On May 23, 2014, a Petition Modifying the Conditions of Supervision was filed. The Court added the special condition that Joseph Nguyen participate in the Location Monitoring Program for a period up to 90 days in response to violations including the use of cocaine and failure to report and provide urine samples for testing as instructed.

On April 29, 2015, a Petition for Summons for Offender Under Supervision was filed alleging Joseph Nguyen committed several new law violations and that he failed to notify his probation officer of these new law violations within 72 hours of his arrest. On August 12, 2015, Joseph Nguyen appeared before Your Honor and admitted to the violations alleged in the petition. On

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that day, he was sentenced to two months custody followed by 58 months of supervised release, including three months in the residential reentry center.

On March 21, 2016, a Petition for Summons was filed, alleging use of a controlled substance, failure to participate in a program for drug testing, failure to follow instructions, and failure to report any change in residence or employment. The initial appearance was scheduled for April 2, 2016. On April 1, 2016, Mr. Nguyen did not appear in Court on the summons filed on March 21, 2016. An initial appearance was re-scheduled for April 8, 2016. On April 8, 2016, a bench warrant was issued for Mr. Nguyen for failure to appear. On April 24, 2017, an initial appearance was held before U.S. Magistrate Judge Ryu. The matter was continued to April 25, 2017, for a detention hearing and to appoint counsel. On April 25, 2017, counsel was appointed, and Mr. Nguyen was remanded into custody. On May 5, 2017, one of the charges was dismissed by the Magistrate Court, as all parties agreed there was insufficient evidence. A District Court hearing before Your Honor was set for May 16, 2017, on the remaining charges. On June 6, 2017, Mr. Nguyen admitted to Charges One through Five of the petition and his term of supervised release was revoked. He was sentenced to six months custody and 24 months supervised release. A condition to reside at the RRC for a period of 60 days was added.

On October 10, 2017, a warrant was issued after the offender failed to complete 60- days at the RRC as required. On February 6, 2018, the petition was amended to include an additional charge that the offender provided false identification to a police officer and was driving on a suspended license. On April 3, 2018, the Court revoked supervise release based on Joseph Nguyen's failure to reside at the RRC for 60 days and the new law violation. Joseph Nguyen was sentenced to five months in custody and 36 months of supervised release. The Court also added the special condition that Joseph Nguyen enter and complete 6 months at New Bridge Residential Drug Treatment Facility.

On July 5, 2018, a Request for Modifying the Conditions or Term of Supervision was filed in the Northern District of California requesting that Mr. Nguyen complete six months at New Bridge Residential Drug Treatment Facility, to any residential drug treatment program as directed by the probation officer.

On July 25, 2018, the Court issued a No Bail Warrant as Joseph Nguyen violated the special condition that he enter and complete six months at a residential drug treatment program as directed by the probation officer.

On May 31, 2019, an amended warrant was issued as Mr. Nguyen committed another federal, state, or local crime. On July 15, 2021, Mr. Nguyen was sentenced to 14 months custody to be followed by 12 months supervised release.

On October 25, 2021, a Report on Person Under Supervision was filed in the Northern District of California as Mr. Nguyen submitted a urine specimen that tested positive for marijuana.

**Type of Supervision**  
Supervised Release

**Date Supervision Commenced**  
August 30, 2021

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**Assistant U.S. Attorney**  
Garth Hire

**Defense Counsel**  
Brian Berson (Appointed)

### **Petitioning the Court**

The issuance of a summons for the person under supervision to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on February 25, 2022, at 10:00 a.m.

I, Bobby H. Love, Jr., a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

#### Charge Number

#### Violation

One

There is probable cause to believe that the person under supervision violated the standard conditions that state that he shall not unlawfully possess a controlled substance and he shall refrain from any unlawful use of a controlled substance.

On February 9, 2022, during a home inspection, Mr. Nguyen submitted a urine sample that tested positive for methamphetamine, Amphetamine, Cocaine, and THC. Mr. Nguyen quickly admitted that he recently used controlled substances. He indicated that he was celebrating the New Year and took a "Euro" pill.

This charge is evidenced by the Northern District of California – Admission/ Denial Report, dated February 9, 2022; photos of the urine sample collection bottle; and the U.S. Probation Office's chronological record for the person under supervision dated, February 9, 2022.

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Based on the foregoing, there is probable cause to believe that Joseph Vu Nguyen violated the conditions of his Supervised Release.

Respectfully submitted,

Reviewed by:



Bobby H. Love, Jr.  
U.S. Probation Officer  
Date Signed: February 9, 2022



Noel Belton  
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

☒ The issuance of a summons for the person under supervision to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on February 25, 2022, at 10:00 a.m.

☐ Other:

February 10, 2022

Date



Claudia Wilken  
Senior United States District Judge

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## APPENDIX

Grade of Violations: C - USSG § 7B1.1(a)(3), p.s.

Criminal History at time of sentencing: III

	<b>Statutory Provisions</b>	<b>Guideline Provisions</b>
<b>Custody:</b>	5 years 18 U.S.C. § 3583(e)(3)	5 – 11 months USSG § 7B1.4, p.s.
<b>Supervised Release:</b>	5 years minus custody time imposed 18 U.S.C. § 3583(b)(2)	5 years minus custody time imposed 7B1.3(g)(2), p.s.
<b>Probation:</b>	Not Applicable	Not Applicable